



Patent Application No. 10/728,995  
Customer Number: 42717

2811  
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bor-Wen Chan, et al.	§	Docket No.:	24061.58
		§		(TSMC2002-1399)
Serial No.:	10/728,995	§		
		§	Examiner:	Shouxiang Hu
Filing Date:	December 5, 2003	§		
		§	Art Unit:	2811
For:	Microelectronic Device Having	§		
	Disposable Spacer	§	Conf. No.:	9115

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop: Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed August 18, 2004, applicant hereby elects, Group II, Claims 1-33, which is drawn to a method of making a semiconductor device. Applicant's election is made with traverse on the grounds that the embodiments delineated by the examiner are not patentably distinct and therefore constitute a single invention concept.

Furthermore, applicant elects Species 1, CF4. It is understood that all of the species can be allowed if the generic claim 1 is allowed. It is further noted that there are several claims in Group II that can be considered generic to the species delineated by the Examiner.

An early action on the merits is respectfully requested.

Respectfully submitted,

David M. O'Dell  
Reg. No. 42,044

Date: 9-1-04

HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 972-739-8635  
Facsimile: 214-200-0853

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date below.

Bonnie Boyle  
Name

9-1-04  
Date